THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION NO.24172 OF 1996

DATED: 12-12-2006

Between:

M. Venkatramaiah

.. Petitioner

and

Pittapuram Co-operative Urban Bank Limited represented by its Board of Directors/Party Person Incharge (The Divisional Co-operative Officer), Kakinada and others

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

W.P.NO.24172 OF 1996

Order:

This writ petition is filed seeking a certiorari to call for the records pertaining to the proceedings in Rc.No.1 of 1995 dated 07-02-1995 on the file of the 1st respondent herein and quash the same as arbitrary and illegal.

Under the impugned proceedings dated 07-02-1995, the 3rd respondent- one R.V.V. Arjuna has been promoted as Cadre III Accountant. According to the petitioner, the 3rd respondent is junior to him in the Cadre of Clerk (Cadre V) and the petitioner should have been promoted in the place of the 3rd respondent.

A detailed counter-affidavit has been filed by the respondents stating that the 3rd respondent was promoted in view of the qualifications held by him; whereas the petitioner does not satisfy the criteria of possessing the educational qualifications as required under the amended Service Rules dated 01-07-1992. Therefore, his promotion was not considered. The same is neither arbitrary nor illegal.

The learned counsel for the petitioner, however, tried to impress upon the Court that as per Note (ii) of Clause 10 of the said Rules dated 01-07-1992, a person who has already been appointed to any of the posts mentioned in Rule 9 shall not be required to acquire the

qualifications pertaining to the respective posts, if he has been permanently employed before these rules have come into force. Therefore, the petitioner who was appointed on permanent basis in the post of Clerk (Cadre V) need not acquire any educational qualifications as required for the post of Accountant etcetera (Cadre III and IV) under the said amended Rules dated 01-07-1992.

I am afraid, I cannot agree with the submissions made by the learned counsel for the petitioner. Note (ii) of Clause 10 of the amended Rules dated 01-07-1992 contemplates that if any person has already been appointed to the respective cadre as on the date of making of the Rules, he shall not be disturbed for want of educational qualifications prescribed in the present Rules. Therefore, I am of the opinion that no ground is made out calling for interference of this Court under Article 226 of the Constitution of India. The writ petition is devoid of merits and is liable to be dismissed.

The writ petition is accordingly dismissed. No order as to costs.

C.V. RAMULU, J

12-12-2006.

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